

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

MICHAEL S. MILEY

V.

No. 04-365 ERIE

KARLA WEBB, ET AL

PLAINTIFF'S MOTION IN OBJECTION TO ENLARGEMENT OF TIME

AND NOW, Comes the plaintiff, Michael S. Miley who moves the Court to deny defendant's request for enlargement of time and in support thereof respectfully represents:

1. Plaintiff avers that the defendant's response was due on or before June 24, 2005 however their request for enlargement of time was dated June 30, 2005 and as such defendant's time to respond or otherwise plead to the complaint including the time to file for enlargement of time had tolled prior to their request for enlargement of time.

2. Plaintiff contends that the defendant's counsel had ample time to either respond or file a timely request for enlargement of time given the fact that according to the US Marshal, service was made on the defendants on May 26, 2005.

3. Plaintiff contends that at the least, defendant's learned counsel should have file a timely motion for enlargement of time and plaintiff contends that if he were to file pleadings late he would be held accountable and as such defendants should be similarly held.

4. While plaintiff will not oppose an extension to July 24, 2005 if the Court should deem it appropriate, Plaintiff will oppose any further enlargements of time beyond July 24 for defendants to respond to the Complaint.

WHEREFORE, Plaintiff prays this Court to grant the relief requested herein.

Respectfully Submitted,

Michael Miley

Michael S. Miley, July 6, 2005

CERTIFICATE OF SERVICE

I, Michael Miley do hereby certify that on July 7, 2005 I have served a true and correct copy of the foregoing by placing it in the US Mail, 1st Class Postage paid, addressed as follows:

Office of Attorney General
Scott A Bradley, ESQ.
564 Forbes Ave.
PGH., Pa. 15219

Michael Miley
Respectfully Submitted

Michael Miley, July 6, 2005